

**A. SANCTIONS**

**Purpose:** To describe the penalties that a TANF / SFA recipient will experience if the person fails or refuses to participate in the activities identified on their WorkFirst Individual Responsibility Plan (IRP).

Effective August 1, 2002

**WAC 388-310-1600 WorkFirst – Sanctions****(1) What WorkFirst requirements do I have to meet?**

You must do the following when you are a mandatory WorkFirst participant:

- (a) Give the department the information we need to develop your individual responsibility plan (see WAC 388-310-0500);
- (b) Show that you are doing the best you can to meet all of the requirements listed on your individual responsibility plan;
- (c) Go to scheduled appointments listed in your individual responsibility plan;
- (d) Follow the participation and attendance rules of the people who provide your assigned WorkFirst services or activities; and
- (e) Accept available paid employment when it meets the criteria in WAC 388-310-1500.

**(2) What happens if I don't meet WorkFirst requirements?**

- (a) If you do not meet WorkFirst requirements, we will send you a letter telling you what you did not do.
- (b) You will have ten days to contact us so we can talk with you about the situation. You can contact us in writing, by phone, by going to the appointment described in the letter, or by asking for an individual appointment.
- (c) If you do not contact us within ten days, we will have to use existing information to decide whether:

- (i) You were unable to do what was required; or
  - (ii) You were able, but refused, to do what was required.
  - (d) If you had a good reason not to do a required activity we will work with you and, if needed, change the requirements in your individual responsibility plan.
- (3) **What is considered a good reason for not being able to do what WorkFirst requires?**
- You have a good reason if it was not possible to do what WorkFirst requires due to a significant problem or event outside your control. Some examples of good reasons include:
- (a) You had an emergent physical, mental or emotional condition, confirmed by a licensed health care professional that interfered with your ability to participate;
  - (b) You were threatened with or subjected to family violence;
  - (c) You could not locate child care for your children under thirteen years that was:
    - (i) Affordable (did not cost you more than your co-payment would under the working connections child care program in WAC 388-290);
    - (ii) Appropriate (licensed, certified or approved under federal, state or tribal law and regulations for the type of care you use and you were able to choose, within locally available options, who would provide it); and
    - (iii) Within a reasonable distance (within reach without traveling farther than is normally expected in your community).
    - (iv) You could not locate other care services for an incapacitated person who lives with you and your children; or

- (d) You had an immediate legal problem, such as an eviction notice, or
- (e) You are a person who gets Necessary Supplemental Accommodation (NSA) services under WAC 388-472 and your limitation kept you from participating. If you have a good reason because you need NSA services, we will review your accommodation plan.

**(4) What if we decide that you did not have a good reason for failing to meet WorkFirst requirements?**

If we decide that you did not have a good reason for failing to meet WorkFirst requirements, we will send you a letter that tells you:

- (a) What you failed to do;
- (b) That you are in sanction status;
- (c) Penalties that will be applied to your grant;
- (d) When the penalties will be applied;
- (e) How to request a fair hearing if you disagree with this decision; and
- (f) How to end the penalties and get out of sanction status.

**(5) What is sanction status?**

When you are a mandatory WorkFirst participant, you must follow WorkFirst requirements to qualify for your full grant. If you or someone else on your grant doesn't comply and you can't prove that you had a good reason, you do not qualify for your full grant. This is called being in WorkFirst sanction status.

**(6) Are there penalties when someone in my household goes into sanction status?**

- (a) When someone in your household is in sanction status, we impose penalties. The penalties last until you meet WorkFirst requirements.
- (b) There are three penalty levels:

- (i) Level One: We calculate your family's grant and then remove the non-compliant person(s) share of the grant;
  - (ii) Level Two: Your reduced grant (removing the non-compliant person's share) will be sent to a protective payee every month until you get out of sanction status. (WAC 388-460-0001 describes the protective payee rules.)
  - (iii) Level Three: Your grant is reduced by the person(s) share or forty percent, whichever is more and your reduced grant will be sent to a protective payee until you get out of sanction status.
- (c) The penalties change depending on how long you have been in sanction status and how many times you have been in sanction status:
- (i) The first time you go into sanction your penalties will start at Level One. If you are still in sanction after three months, you will go to Level Two. If you are still in sanction after another three months, you will go to Level Three.
  - (ii) The second time you are in sanction, your penalties start at Level Two and changes to Level Three after three months.
  - (iii) After three or more times in sanction, you start at Level Three.
- (d) If you are in sanction status on August 1, 2002, your penalties will start at Level One, Two, or Three depending on how long you have been in sanction status. This will be considered your first sanction.

**(7) How do I end the penalties and get out of sanction status?**

To stop the penalties and get out of sanction status:

- (a) You must provide the information we requested to develop your individual responsibility plan; and/or
- (b) Start and continue to do your required WorkFirst activities, as follows:

- (i) For two weeks in a row if you are in Level One of sanction;
  - (ii) For four weeks in a row if you are in Level Two or Three of sanction.
  - (c) When you leave sanction status, your grant will be restored beginning with the day you began doing your required activities.
- (8) **What if I reapply for TANF or SFA and I was in sanction status when my case closed?**
- (a) If your case closes while you are in sanction status and is reopened in six months or less, you will start out in sanction where you were when the case was closed.
  - (b) If your case has been closed for more than six months, you will not be in sanction status if your case is reopened.

### CLARIFYING INFORMATION

1. Non-exempt TANF/SFA WorkFirst participants will be sanctioned when the case manager determines that the participant has failed or refused, without good cause, to participate in required WorkFirst activities.  
  
**NOTE:** For further information on WorkFirst exempt criteria, required WorkFirst activities, and good cause for failing or refusing to participate, see the **WorkFirst Handbook**.
2. A client must have an IRP in place or refuse to sign the IRP in order for a sanction to be imposed. The IRP should only be updated if the participant agrees to cure the sanction and the dates need to be updated or the IRP needs to be changed to meet new circumstances.
3. TANF/SFA recipients who are sanctioned for failing or refusing to participate in WorkFirst may also be sanctioned under food stamp program rules for that failure or refusal. This applies only to non-exempt food stamp recipients. See **Food Stamp Employment and Training (Disqualification)**.
4. The penalties and requirements to remove the sanction increase with the length and number of times a participant is in sanction. See chart below.

	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>
1st Time Sanction Person's share removed from grant	Months 1 - 3	Months 4 - 6	Months 7-60
2nd Time Sanction Person's share removed from grant AND protective payee is assigned until sanction is cured		Months 1 -3	Months 4-60
3rd Time Sanction Person's share or 40% is removed from grant, whichever is more, AND protective payee is assigned until sanction is cured			Months 1-60

5. Sanction Penalties increase each time a participant goes into sanction status.

**EXAMPLE****Level One - First-Time Sanction Penalties**

Debbie enters sanction status for the first time August 5. The case manager processes the case in ACES to begin grant reduction beginning September 1. Debbie continues to not comply by not participating. Beginning December 1st, the protective payee would be in place. Debbie continues to not comply. Beginning March 1st, the grant reduction would be 40% or Debbie's share, whichever is more.

**Level Two - Second or More Times Sanction Penalties**

Tony enters sanction status for the third time November 5th. The case manager processes the case in ACES to begin grant reduction December 1st. The grant would be reduced by 40% or Tony's share whichever is more and a protective payee is imposed.

**Level Three**

After the first three months of the first sanction, it takes longer to get out of sanction status

**First Offense: - Two Weeks Participation**

Barbara begins sanction August 1. On August 24th, she provides verification of satisfactory participation for August 7th- 21st. The sanction is removed and a grant supplement issued back to August 7. The case manager authorizes the supplemental payment by August 29th.

**Second or More Offenses - Four Weeks Participation**

Barbara begins sanction August 1. On October 1st, she provides verification of satisfactory participation for September 1st to 30th. The sanction is removed and a grant supplement issued back to September 1st. The case manager authorizes the supplemental payment by October 5th.

**WORKER RESPONSIBILITIES** (WorkFirst Case Manager/Social Worker)

See the **WorkFirst Handbook** (Sanction) on how to process the sanction including e-JAS instructions.

1. Determine if the participant has refused or failed to participate in WorkFirst activities identified on the IRP.
2. If good cause is not approved then impose the sanction.

See the **Protective Payee Handbook** for complete details on the rules and procedures for establishing a protective payee as part of the sanction.